

## Chapter 19.72 FOOTHILLS AND CANYONS OVERLAY ZONE

### 19.72.010 Purposes of provisions.

### 19.72.020 Overlay zone--Scope and application--General provisions.

### 19.72.030 Development standards.

### 19.72.040 Establishment of limits of disturbance.

### 19.72.050 Approval procedure for development in the foothills and canyons overlay zone.

### 19.72.060 Administration and enforcement.

### 19.72.070 Definitions.

#### 19.72.010 Purposes of provisions.

A. The general purpose of the foothills and canyons overlay zone is to promote the health, safety, and public welfare of the residents of the county, and while being cognizant of private property rights, to preserve the natural character of the foothills and canyons by establishing standards for foothill and canyon development proposed in the unincorporated areas of the county.

B. The standards for development contained herein are intended specifically to accomplish the following purposes:

1. Preserve the visual and aesthetic qualities of the foothills and canyons, including prominent ridgelines, which are vital to the attractiveness and economic viability of the county;
2. Encourage development designed to reduce risks associated with natural hazards and to provide maximum safety for inhabitants;
3. Provide adequate and safe vehicular and pedestrian circulation;
4. Encourage development that fits the natural slope of the land in order to minimize the scarring and erosion effects of cutting, filling, and grading related to construction on hillsides, ridgelines, and steep slopes;
5. Prohibit activities and uses that would result in degradation of fragile soils, steep slopes, and water quality;
6. Provide for preservation of environmentally sensitive areas and open space by encouraging clustering or other design techniques to preserve the natural terrain, minimize disturbance to existing trees and vegetation, preserve wildlife habitat, and protect aquifer recharge areas;
7. Reduce flooding by protecting streams, drainage channels, absorption areas, and floodplains from substantial alteration of their natural functions. (Ord. 1417 § 2 (part), 1998)

#### 19.72.020 Overlay zone--Scope and application--General provisions.

##### A. Scope/Application.

1. Geographic Area of Application. Maps delineating the boundaries of the foothills and canyons overlay zone are attached as Appendix A to this chapter and are on file with the Salt Lake County planning and development services division. Such maps, as amended, are a part of this title as if fully described and detailed herein.
2. Development Activities Covered. The standards and regulations contained in this chapter shall apply to all development that occurs within the mapped foothills and canyons overlay zone, as the term "development" is defined at Section 19.04.165, including grading, clearing and other land disturbance activities.
3. Applicability to Development on Lots of Record. The standards and regulations contained in this chapter shall apply to all development that occurs within the mapped foothills and canyons overlay zone on legally subdivided lots that were recorded prior to the enactment of the ordinance codified in this chapter, including subsequent additions or expansions of buildings or structures constructed prior

to the enactment of said ordinance, except when a waiver or exemption expressly allowed by this chapter has been granted.

4. Jurisdictional Exemptions. The provisions of this chapter do not apply to properties owned by the state of Utah or the government of the United States, except as specifically authorized by intergovernmental agreement, memorandum of understanding, or other form of cooperative agreement authorized by law. Although jurisdictionally exempt, these entities are nonetheless strongly encouraged to voluntarily incorporate the principles and practices embodied by this chapter.

#### B. General Provisions.

1. Construction and Rules of Interpretation--Delegation of Authority. Whenever a provision appears requiring the head of a department or another officer or employee of the county to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

2. Recognition of Salt Lake City Extraterritorial Jurisdiction. Salt Lake County recognizes that Salt Lake City has extraterritorial jurisdiction for protection of its watershed located in the canyons east of Salt Lake City from City Creek Canyon south to Little Cottonwood Canyon. All development in the county that is also located within Salt Lake City's watershed areas shall be reviewed by Salt Lake City for compliance with the city's applicable watershed protection standards prior to county approval or final permitting. Maps delineating the boundaries of Salt Lake City's watershed areas are attached as Appendix B to this chapter and are on file with the Salt Lake County planning and development services division. Such maps, as amended, are a part of this title as if fully described and detailed herein.

3. Inconsistent Provisions. When the provisions of this chapter are inconsistent with provisions found in other chapters of this title, or with provisions found in any other county ordinance or regulation, the most restrictive provision shall apply. (Ord. 1473 (part), 2001; Ord. 1454 § 4 (part), 1999; Ord. 1417 § 2 (part), 1998)

#### 19.72.030 Development standards.

##### A. Lot and Density Requirements.

1. General Rule. Except as specifically modified by this chapter, all development in the foothills and canyons overlay zone shall comply with the standards for minimum lot size, minimum lot width, and maximum density required in the underlying zone.

2. Exception to the General Rule--Lots of Record That Do Not Meet the Underlying Zone's Minimum Lot Requirements. If a lot of record subject to this chapter:

- a. Was approved prior to the effective date of the ordinance codified in this chapter; and
- b. Does not meet the minimum lot size or lot width requirements set forth in the underlying zone district; and
- c. Is not subject to the substandard lot consolidation provisions set forth in subsection (A)(3) of this section;

then the minimum lot size or lot width requirements shall be waived and development may proceed on said lot of record subject to compliance with all other applicable development standards set forth in this chapter and in the underlying zone.

3. Consolidation of Substandard Lots.

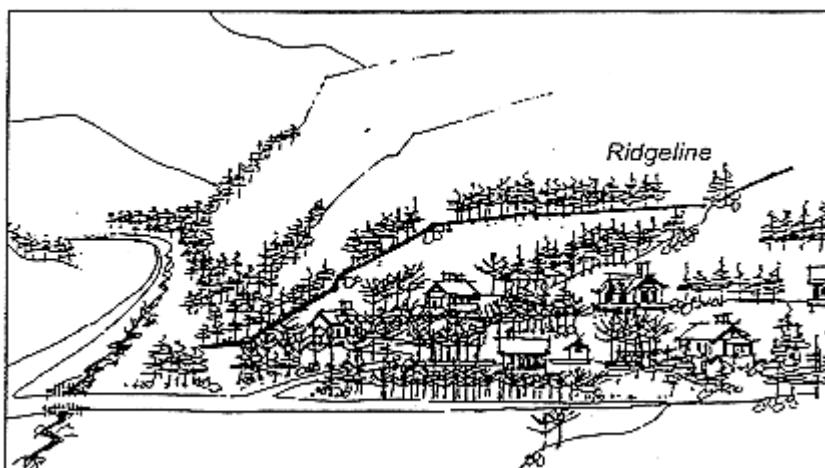
a. Circumstances Under Which Consolidation is Required. Two or more lots or parcels located in the foothills and canyons overlay zone shall be considered to be a single, undivided lot or parcel for the purposes of this chapter if all the following factors apply:

- i. The lots or parcels are in single and common ownership; and
- ii. The lots or parcels are contiguous; and
- iii. The lots or parcels were legally established and recorded in the office of the county recorder prior to August 15, 1997; and

- iv. All or part of the lots or parcels do not meet the minimum lot area or lot width requirements set forth in the underlying zone; and
  - v. None of the contiguous lots or parcels have been improved with individual and separate connections to municipal water or sewer systems; and
  - vi. None of the contiguous lots or parcels have been improved with structures.
- b. Consolidation Acreage Requirements.
- i. In Underlying Zones Where a Minimum Lot Size of Less Than One Acre is Required. In areas where the underlying zone requires a minimum lot size of less than one acre, lots or parcels shall be consolidated, where sufficient land area is available, in increments of one-half acre.
  - ii. In Underlying Zones Where a Minimum Lot Size of One Acre or More is Required. In areas where the underlying zone requires a minimum lot size of one acre or more, lots or parcels shall be consolidated, where sufficient land area is available, in increments of at least one acre.
- c. Remnant Land Areas.
- i. In Underlying Zones Where a Minimum Lot Size of Less Than One Acre is Required. If, in the process of consolidating lots in accordance with the preceding requirements any remnant portion of land less than one-half acre in size remains, such remnant shall be either:
    - (A) Proportionally added to the total number of one-half acre lots created in the consolidation process; or
    - (B) Added to the last one-half acre lot or parcel created.
  - ii. In Underlying Zones Where a Minimum Lot Size of One Acre or More is Required. If, in the process of consolidating lots in accordance with the preceding requirements any remnant portion of land less than a full acre in size remains, such remnant shall be either:
    - (A) Proportionally added to the total number of one acre lots created in the consolidation process; or
    - (B) Added to the last full acre lot or parcel created in the consolidation process;
    - (C) Prohibited Use or Sales. No portion of such lots or parcels subject to this consolidation provision shall be used or sold in a manner that renders compliance with applicable lot width and lot area requirements less feasible.
4. Clustering. Clustering of development (See Figures 1 and 2) is generally recommended and may be required by the planning commission to achieve the objectives of this chapter. Whether proposed by an applicant or required by the planning commission, clustering of development may only be used to reduce otherwise applicable minimum lot size requirements upon satisfaction of the following findings:

**Figure 1**

**Clustering of Development away from Ridgeline: Recommended.**



*Figure 1. Clustering of Development away from Ridgeline: Recommended*

- a. The clustering proposal meets all other applicable requirements set forth in this chapter or in other applicable ordinances or regulations;
- b. The clustering proposal, compared with a more traditional site development plan, better attains the policies and objectives of this chapter, such as providing more open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, slide areas, wetlands and steep slopes;
- c. The clustering proposal will have no significant adverse impact on adjacent properties or development, or, if such impacts would result, the applicant has agreed to implement appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features as recommended by the development services director to buffer and protect adjacent properties from the proposed clustered development; and
- d. The architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape and are compatible with adjacent properties or development.

#### 5. Density Bonus for Clustering.

- a. A density bonus of up to twenty-five percent over the base density permitted in the underlying zone district may be available for cluster developments that satisfy the above standards taking into account the bonus density.
- b. For purposes of calculating this twenty-five percent cluster density bonus, the base density permitted in the underlying zone district shall be calculated based on “net developable acreage,” which is defined as land with all of the following:
  - i. Average slope less than thirty percent;
  - ii. Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah Department of Environmental Quality in order to ensure against adverse impacts on surface and groundwater quality;
  - iii. Minimum distance from any stream corridor, as that term is defined in Section 19.72.070, of one hundred feet; and
  - iv. Free from any identified natural hazards such as flood, avalanche, landslide, high water table and similar features. (See Chapter 19.74, “Floodplain Hazard Regulations” and Chapter 19.75, “Natural Hazard Areas.”)

#### 6. Planned Unit Developments.

- a. Minimum Lot Area and Lot Width. Lot areas and lot widths for planned unit developments in the foothills and canyons overlay zone district shall not be subject to the minimum lot area and lot width limits set forth in this section. Instead, minimum lot areas and lot widths shall be determined on a case-by-case basis by the planning commission pursuant to Chapter 19.78 of this title.
- b. Maximum Density. Density of dwelling units per acre in a planned unit development shall be the same as that allowed in the underlying zone district in which the planned unit development is located.

#### B. Slope Protection Standards.

- 1. Prohibition of Development on Steep Slopes. With the exception of permitted minor ski resort improvements and as otherwise expressly allowed in this chapter, no development, including clearing, excavation, and grading shall be allowed on slopes greater than thirty percent.
- 2. Structure Clearance from Steep Slopes. Structure clearance from ascending or descending slopes greater than thirty percent shall conform to the requirements set forth in applicable building code provisions.
- 3. Prohibition of Development on Designated Ridge Lines.
  - a. With the exception of permitted minor ski resort improvements, which may cross but not follow designated ridge lines, and with the further exception of instances where a waiver has been granted pursuant to this chapter, no development shall intrude into any ridge line protection area that has been

identified and designated as part of an adopted county or township plan (e.g., the Emigration Canyon plan) or has been identified and designated by the county during the development review and approval process set forth in Section 19.72.050 of this chapter.

b. For the purposes of this chapter, designated ridgeline protection areas shall consist of prominent ridge lines that are highly visible from public rights-of-way or trails, and shall include the crest of any designated hill or slope, plus the land located within one-hundred feet horizontally (map distance) on either side of the crest. (See Figures 3 and 4 below)

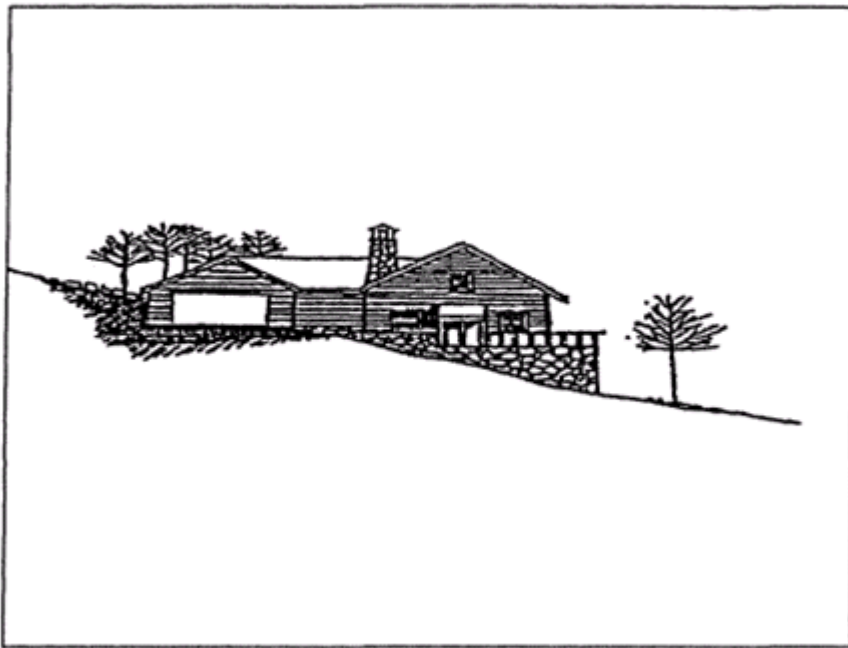
4. Steep Slopes--Open Space. One hundred percent of areas with slope greater than thirty percent shall remain in natural private or public open space, except as expressly allowed in this chapter.

**C. Grading Standards.**

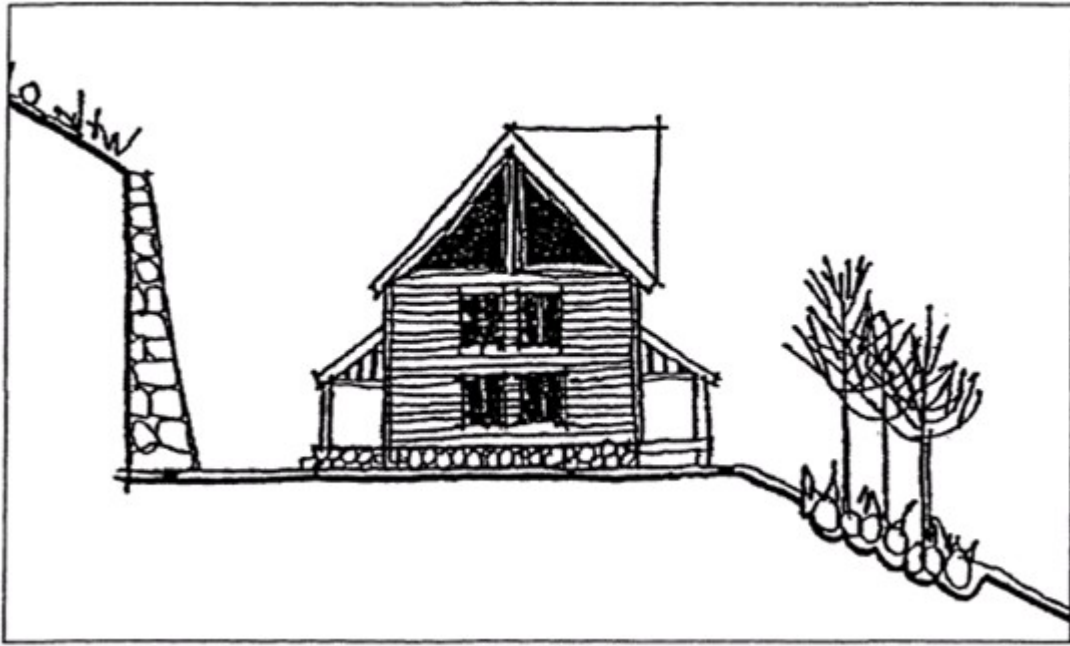
1. Grading Prohibited Without Prior Approvals/Permits. No grading, excavation, or tree/vegetation removal shall be permitted, whether to provide for a building site, for on-site utilities or services, or for any roads or driveways, prior to issuance of a building permit in accordance with a grading and excavation plan and report for the site approved by the development services engineer.

2. Cutting to Create Benches. Cutting and grading to create benches or pads for additional or larger building sites shall be avoided to the maximum extent feasible. (See Figures 5 and 6)

**Figure 5  
Minimized Cuts: Encouraged.**



**Figure 6  
Excessive Cutting: Discouraged.**



3. Limits on Changing Natural Grade. The original, natural grade of a lot shall not be raised or lowered more than four feet at any point for construction of any structure or improvement, except:
  - a. The site's original grade may be raised or lowered six feet if a retaining wall is used to reduce the steepness of man-made slopes, provided that the retaining wall complies with the requirements set forth in this section.
  - b. The site's original grade may be raised or lowered more than six feet with terracing, as specified in subsection (C)(8)(b) of this section.
4. Grading for Accessory Building Pads Discouraged. Separate building pads for accessory buildings and structures other than garages, such as tennis courts, swimming pools, outbuildings, and similar facilities, shall be discouraged except where the natural slope is twenty percent or less.
5. Limits on Graded or Filled Man-Made Slopes.
  - a. Slopes of twenty-five percent or less are greatly encouraged wherever possible.
  - b. Graded or filled man-made slopes shall not exceed a slope of fifty percent.
  - c. Cut man-made surfaces or slopes shall not exceed a slope of fifty percent unless it is substantiated, on the basis of a site investigation and submittal of a soils engineering or geotechnical report prepared and certified by a qualified professional, that a cut at a steeper slope will be stable and will not create a hazard to public or private property.
  - d. All cut, filled, and graded slopes shall be recontoured to the natural, varied contour of the surrounding terrain.
6. Revegetation Required. Any slope exposed or created in new development shall be landscaped or revegetated pursuant to the standards and provisions of subsection H of this section, "Tree and Vegetation Protection."
7. Excavation. Excavation for footings and foundations shall be minimized to the maximum extent feasible in order to lessen site disturbance and ensure compatibility with hillside and sloped terrain. Intended excavation must be supported by detailed engineering plans submitted as part of the application for site development plan approval.
8. Retaining Walls. Use of retaining walls is encouraged to reduce the steepness of man-made slopes and to provide planting pockets conducive to re-vegetation. (See Figure 7)
  - a. Retaining walls may be permitted to support steep slopes but shall not exceed six feet in height from

the finished grade, except as used in conjunction with the development of minor ski resort improvements, or where terraced as specified in subsection (C)(8)(b) of this section.

b. Except as used in conjunction with the development of minor ski resort improvements, terracing shall be limited to two tiers. The width of the terrace between any two four-foot vertical retaining walls shall be at least three feet. Retaining walls higher than four feet shall be separated from any other retaining wall by a minimum of five horizontal feet. Terraces created between retaining walls shall be permanently landscaped or revegetated pursuant to subsection H of this section, “Tree and Vegetation Protection.”

c. Retaining walls shall be faced with stone or earth-colored materials similar to the surrounding natural landscape. (See Chapter 19.73, “Foothills and Canyons Site Development and Design Standards.”)

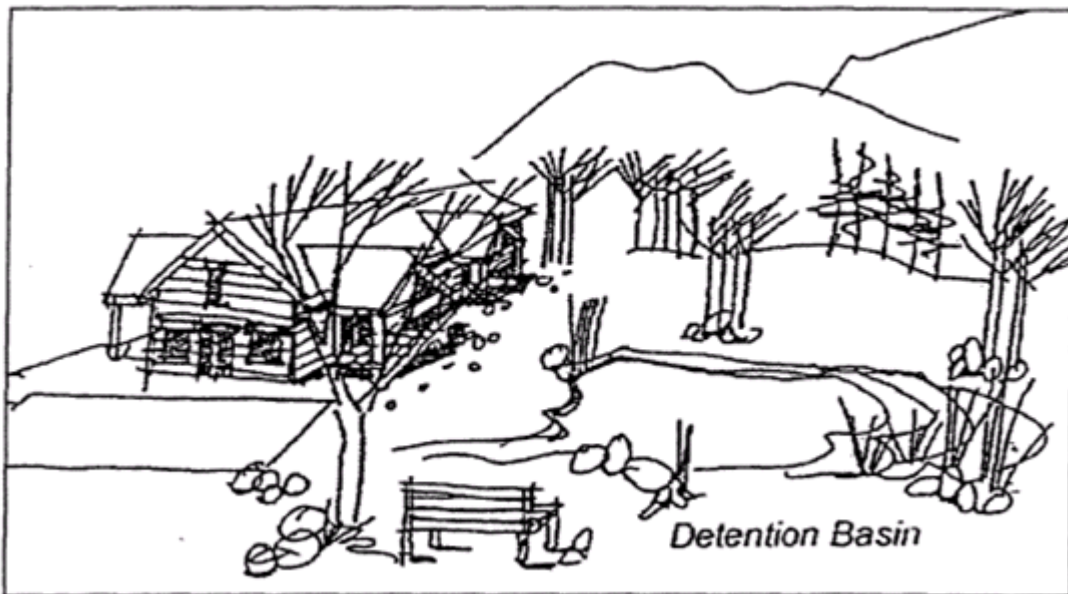
d. All retaining walls shall comply with the Uniform Building Code, except that when any provision of this section conflicts with any provision set forth in the U.B.C., the more restrictive provision shall apply.

9. Filling or Dredging of Waterways Prohibited. Filling or dredging of water courses, wetlands, gullies, stream beds, or storm water runoff channels is prohibited, except that bridge construction is allowed pursuant to the standards set forth in subsection (J)(7) of this section.

10. Detention/Stormwater Facilities. Where detention basins and other storm and erosion control facilities may be required, any negative visual and aesthetic impacts on the natural landscape and topography shall be minimized to the maximum extent feasible. (See Figures 8 and 9)

**Figure 8**

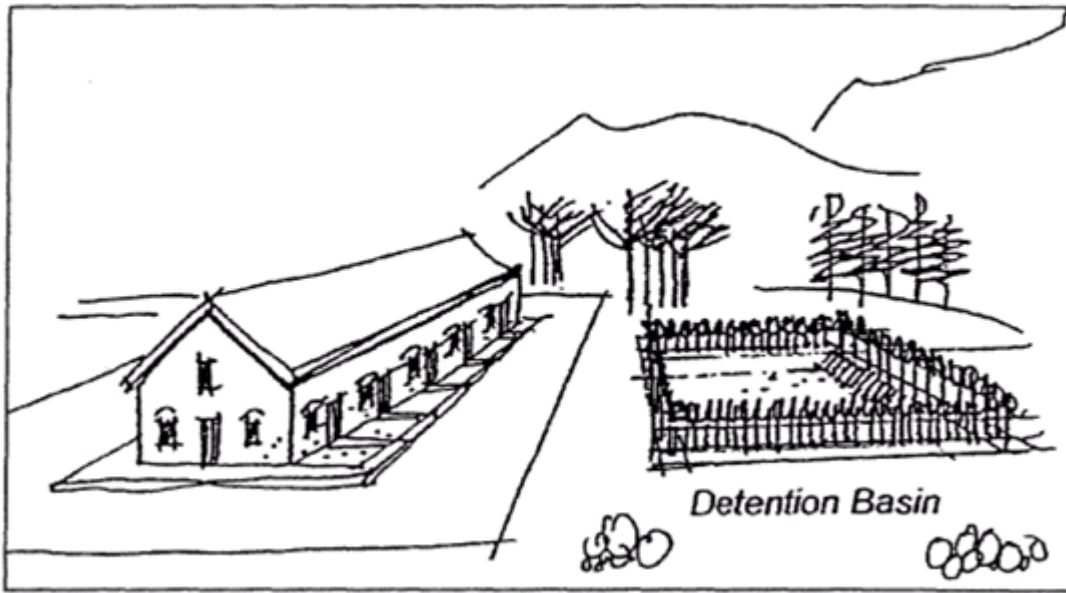
**Site Sensitive Treatment of Detention Basin**



**Figure 9**

**Undesirable Treatment around Detention Basin**



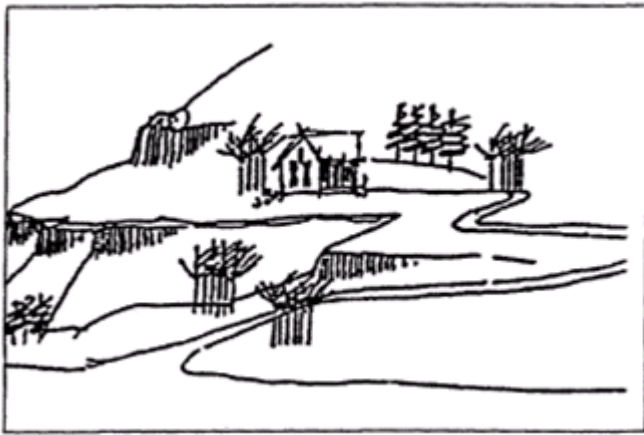


D. Streets/Roads and General Site Access. (See subsection E of this section regarding driveway standards)

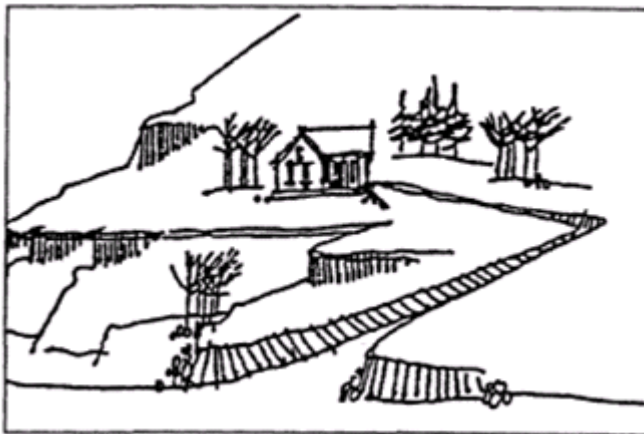
1. Access to a building or development site shall be by road, street, or private access road only.
2. Streets, roads, private access roads, and other vehicular routes shall comply with the Salt Lake County highway and fire department ordinances.
3. With the exception of those provided in conjunction with permitted minor ski resort improvements, streets, roads, private access roads, and other vehicular routes shall not be allowed to cross slopes between thirty and fifty percent unless specifically authorized by the planning commission, upon the favorable recommendation of the development services director and public works engineer, after finding that all of the following conditions and constraints are applicable:
  - a. No alternate location for access is feasible or available;
  - b. No individual segment or increment of the street, road, private access road, or other vehicular route that will cross slopes between thirty percent and fifty percent exceeds one hundred feet in length;
  - c. The cumulative length of individual segments or increments that will cross slopes between thirty percent and fifty percent does not exceed ten percent of the total length of the street, road, private access road, or other vehicular route; and
  - d. No significant adverse visual, environmental, or safety impacts will result from the crossing, either by virtue of the design and construction of the street, road, private access road, or other vehicular route as originally proposed or as a result of incorporation of remedial improvements provided by the developer to mitigate such impacts.
4. Under no circumstances other than for permitted minor ski resort improvements shall any street, road, private access road, or other vehicular route cross slopes greater than fifty percent.
5. Streets, roads, private access roads, and other vehicular routes shall to the maximum extent feasible follow natural contour lines. (See Figures 10 and 11)

**Figure 10**  
**Access Route**





**Figure 11**  
**Access Route Improperly Following**  
**Natural Contours Cutting Cross Slope**



6. Grading for streets, roads, private access roads, and other vehicular routes shall be limited to the cartway portion of the right-of-way, plus up to an additional ten feet on either side of the cartway as needed, except that when developing access on slopes in excess of twenty-five percent, only the cartway right-of-way shall be graded plus the minimum area required for any necessary curb, gutter, or sidewalk improvements. The remainder of the access right-of-way shall be left undisturbed to the maximum extent feasible.

7. Roads, other vehicular routes, or trails may be required to provide access or maintain existing access to adjacent lands for vehicles, pedestrians, emergency services, and essential service and maintenance equipment.

- E. Driveways. Driveways shall be provided to ensure safe, convenient, and adequate access to individual buildings. Driveway access to a development shall be consistent with the Salt Lake County community general plans and highway plans, as amended. In addition, provision of driveway access is subject to the following requirements:
1. All driveways shall comply with the Salt Lake County highway and fire department ordinances.
  2. Driveways longer than one-hundred, fifty feet in length shall meet the following requirements:
    - a. Provision of a turn-around that meets the county's road/street and fire department standards; and
    - b. Provision of an adequate number of spaced turn-outs along the length of the driveway, as determined by the public works engineer in consultation with the Salt Lake County fire department.
  3. With the exception of those provided in conjunction with permitted minor ski resort improvements,

driveways longer than fifty feet in length shall not be allowed to cross slopes between thirty and fifty percent unless specifically authorized by the planning commission, upon the favorable recommendation of the development services director and public works engineer, after finding that all of the following conditions and constraints are applicable:

- a. No alternate location for access is feasible or available;
  - b. No individual segment or increment of the driveway that will cross slopes between thirty percent and fifty percent exceeds one hundred feet in length;
  - c. The cumulative length of individual segments or increments of the driveway that will cross slopes between thirty percent and fifty percent does not exceed ten percent of the driveway's total length; and
  - d. No significant adverse visual, environmental, or safety impacts will result from the driveway crossing, either as originally proposed or as a result of incorporation of remedial improvements provided by the developer to mitigate such impacts.
4. Under no circumstances other than for permitted minor ski resort improvements shall any driveway cross slopes greater than fifty percent.
5. Driveways shall to the maximum extent feasible follow natural contour lines. (Fig. 10 and 11)
6. Driveways may be shared by no more than two residential units, or by two or more principal nonresidential uses provided such nonresidential uses together do not exceed a total of twenty-five thousand square feet of gross floor area. Shared driveways are greatly encouraged.
7. Driveways to a building site shall have direct access to a public street or to a private right-of-way approved by the planning commission. Finished driveway grades shall comply with the following:
- a. Driveways shall have a maximum grade of twelve percent, or as determined by the public works engineer on a case-by-case basis based on health and safety concerns and the need for adequate access for county service providers. In no case, however, shall the public works engineer approve a maximum grade greater than fifteen percent. Driveways shall have a maximum grade of fifteen percent.
  - b. Driveway grades within twenty feet of the roadway shall not exceed ten percent. See Highway Ordinance.

#### F. Trail Access.

1. Dedication Required. For the purpose of providing trails necessary for public access to public lands or trails shown on the county general plans, the Salt Lake County regional trail plan, the Salt Lake County trail access plan, or applicable community general plans, all development in the foothills and canyons overlay zone shall be required to offer a dedication of an amount of land that is roughly proportional to the demand for open space, recreational facilities, trails, or public access to public lands or trails generated by the proposed development. The county shall have the sole option whether to accept a reasonable money fee in lieu of land dedication.

2. Verification Required. All land offered for dedication for trails or public access to trails shall be verified on the ground by the development services division before approval of the site plan. Land offered for dedication for trails shall be located so that:

- a. Proposed trail construction and maintenance is feasible; and
- b. Side slopes do not exceed seventy percent; and
- c. Rock cliffs and other insurmountable physical obstructions are avoided.

The county shall have the sole option of rejecting the applicant's offered land dedication and instead select more suitable land, based on the above factors, applicable plans, opportunities to link to existing or planned trails and public lands, and/or suitability of the terrain for trail use.

3. Nature of Interest Dedicated. At the county's sole option, dedications for trails or public access may be of a fee or less-than-fee interest to either the county, another unit of government, or nonprofit land conservation organization approved by the county.

4. Bonus Density Allowed for Certain Dedications. The planning commission may allow up to twenty-five percent of the maximum allowable density attributable to areas of the site with greater than thirty percent slope to be transferred to the developable areas of the site if the applicant shows that the offered

dedication is beyond what would be roughly proportional to the demand for such trails or trail access generated by the proposed development. The planning commission may reduce the applicable minimum lot area requirement within the site's developable area if necessary to accommodate the transferred density.

5. Liability Releases. Liability releases related to dedicated lands shall be prepared for a landowner in accord with the State Landowner Liability Act of 1987, as amended.

#### G. Fences.

1. No fence shall be constructed or installed unless shown on the approved site development plan.

2. No fence in excess of forty-two inches in height shall be constructed or installed outside the designated limits of disturbance on a site, except as required by the county (such as fenced corrals for horses or other animals). (See also Section 14.12.040 of this code, "Clear view of intersecting streets.")

3. Fences in the front yards and along roadways shall not exceed forty-two inches in height.

4. Fences in identified wildlife corridors shall be strongly discouraged, but in no case shall exceed forty-two inches in height.

5. Fences shall conform to the standards set forth in Chapter 19.73, "Foothills and Canyons Development Standards."

#### H. Tree and Vegetation Protection.

1. Purposes. Protection of existing tree and vegetation cover is intended to:

a. Preserve the visual and aesthetic qualities of the County's foothills and canyons;

b. Encourage site design techniques that preserve the natural environment and enhance the developed environment;

c. Control erosion, slippage, and sediment run-off into streams and waterways;

d. Increase slope stability;

e. Protect wildlife habitat and migration corridors; and

f. Conserve energy, in proximity to structures, by reducing building heating and cooling costs.

2. Application and Exemptions. The provisions of this section shall apply to all development on real property that is located in the foothills and canyons overlay zone, except that the following developments and activities shall be exempt from this section:

a. The removal of dead or naturally fallen trees or vegetation, or such that the county finds to be a threat to the public health, safety, or welfare;

b. The selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways, intersections, or for the purpose of performing authorized field survey work;

c. The removal of trees or vegetation on land zoned or lawfully used for agricultural and forestry activities, including tree farms and approved forestry management practices. In the event a site is substantially cleared of trees pursuant to such legitimate activities, however, no development or site plan applications for other types of development shall be accepted by the county for thirty-six months from the date the clearing is completed;

d. The selective and limited removal of trees and vegetation in conjunction with permitted minor ski resort improvements.

#### 3. Tree/Vegetation Removal.

a. Outside the Limits of Disturbance, No trees or vegetation shall be removed outside the approved limits of disturbance except as specifically exempted in this section or chapter.

b. Within the Limits of Disturbance. Significant trees (as defined in Section 19.72.070) removed from within the limits of disturbance shall be replaced as set forth in subsection (H)(4) of this section.

c. Wildfire Hazards and Tree/Vegetation Removal. In areas determined by County Fire Prevention officials as being highly susceptible to fire hazards, vegetation up to thirty feet from the perimeter of a structure shall be selectively pruned and thinned for fire protection purposes.

d. Tree/Vegetation Removal for Views Prohibited. No trees or vegetation shall be removed for the purpose of providing open views to or from structures on a site.

4. Replacement of Significant Trees. Except in conjunction with permitted minor ski resort improvements, when a significant tree or trees, as defined in Section 19.72.070 of this chapter, are removed from either inside or outside the established limits of disturbance, the applicant or developer shall replace such tree(s) on the lot, either inside or outside the established limits of disturbance, according to the following schedule and requirements:

- a. A significant deciduous tree that is removed shall be replaced by three trees with a minimum size of two and one-half inch caliper.
- b. A significant coniferous tree that is removed shall be replaced by two trees with a minimum height of eight feet.
- c. Acceptable replacement trees shall be determined by a person or firm qualified by training or experience to have expert knowledge of the subject.
- d. Replacement trees shall be maintained through an establishment period of at least three years, except that single-family dwellings shall have an applicable establishment period of only one year. The applicant shall post a bond guaranteeing the survival and health of all replacement trees during the establishment period.

5. Revegetation and Land Reclamation Plan.

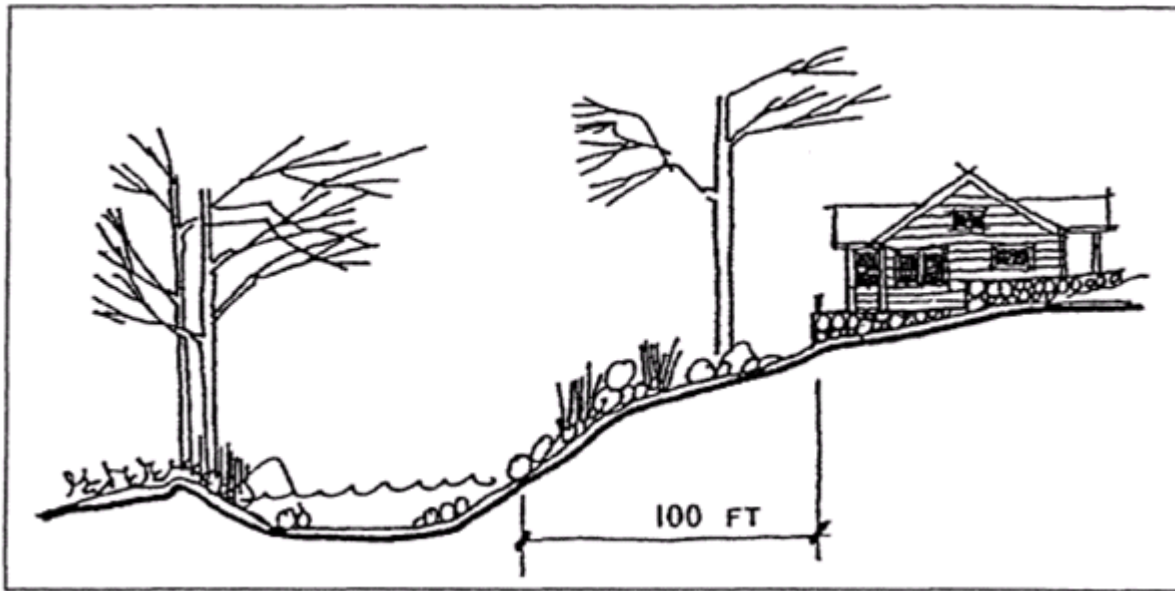
- a. On a parcel of land that has been or will be altered from its natural condition by man-made activities, a revegetation and land reclamation plan prepared and certified by a qualified professional may be required for review and approval by the development services director.
- b. The revegetation and land reclamation plan shall depict the type, size, and location of any vegetation and trees being planted and illustrate how the site will be recontoured in such a fashion and with sufficient topsoil to ensure that revegetation is feasible.
- c. Any slope exposed or created in new development shall be landscaped or revegetated with native or adapted trees and other native or adapted plant material. New vegetation shall be equivalent to or exceed the amount and erosion-control characteristics of the original vegetation cover in order to mitigate adverse environmental and visual effects.
- d. On man-made slopes of twenty-five percent or greater, plant materials with deep rooting characteristics shall be selected that will minimize erosion and reduce surface runoff. The planting basin should be kept level with a raised berm around the base of the plant to help retain moisture.
- e. To the maximum extent feasible, topsoil that is removed during construction shall be conserved for later use on areas requiring revegetation or landscaping, such as cut-and-fill slopes.
- f. The plan shall also indicate a time frame for revegetation that is acceptable to the county and that takes into account optimal seasonal growing conditions.

6. Tree/Vegetation Protection During Construction and Grading Activities.

- a. Limits of disturbance as established in accordance with the provisions of Section 19.72.040 shall be shown on the final plans for development and shall be clearly delineated on site with fencing or other materials or methods approved by the development services director prior to the commencement of excavation, grading, or construction activities on the site.
- b. Within the limits of disturbance, fencing, at a minimum, should be placed around each significant tree and around stands of twelve or more smaller trees a distance equal to the size of the individual or outermost tree's drip zone. (see Section 19.72.070, Significant Trees)
- i. For purposes of this subsection, the drip zone is calculated by measuring the diameter of the tree at breast height. Every inch of tree trunk diameter, for example, equates to one foot of drip zone.
- ii. No construction, grading, equipment or material storage, or any other activity shall be allowed within this area, and the fencing shall remain in place until all land alteration, construction, and development activities are completed.
- c. If it is necessary to fill over the root zone, compacted soils shall be avoided by sandwiching fabric, rocks and more fabric under the area to be filled.
- d. Fill placed directly on the roots shall not exceed a maximum of six inches in depth.

- e. If fill creates a tree well or depression around a tree or shrubs, such area shall be drained so that the vegetation is not drowned by the pooling of rainfall or irrigation.
- f. If a tree's roots must be cut, the branches shall be trimmed by an amount equal to the percent of roots that were lost. Roots shall be pruned cleanly prior to digging and not ripped off by heavy equipment. Cutting more than thirty percent of the roots endangers the health of the tree, and over forty percent affects the tree's stability.
- g. Utility trenches near trees should be avoided. If a line must be near a tree, tunneling, auguring, or other mitigation measures shall be used.
- I. Natural Hazards. All development in the foothills and canyons overlay zone shall comply with the requirements and standards set forth in Chapter 19.75, "Natural Hazard Areas." A natural hazards report required by Chapter 19.75 may be combined with any of the plans and reports required by the provisions of this chapter, including geotechnical, slope, and grading reports. The county geologist shall review all natural hazards reports and submit his recommendations in writing to the development services director or planning commission prior to final action on the site plan for development.
- J. Stream Corridor and Wetlands Protection.
  - 1. Purposes. The following requirements and standards are intended to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions that stream corridors, associated riparian areas, and wetlands provide.
  - 2. Boundary Delineation. Unless previously delineated by Salt Lake County, boundaries for stream corridors and wetland areas shall be delineated according to the following provisions:
    - a. Stream corridor and wetland area delineation shall be performed by a qualified professional that has demonstrated experience necessary to conduct site analysis. Delineations shall be subject to the approval of the development services director.
    - b. Stream corridors shall be delineated at the ordinary high-water mark as defined in Section 19.72.070. Stream corridors shall not include ephemeral streams or ditches that are commonly known to be irrigation ditches and that do not contribute to the preservation and enhancement of fisheries or wildlife.
    - c. Boundary delineation of wetlands shall be established using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, dated January 10, 1989, and jointly published by the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and the U.S. Soil Conservation Service. Subsequent revisions of the federal manual shall not be incorporated into this delineation methodology. Although the federal manual may change in the future, the county will use this referenced manual as a basis for wetland determination.
  - 3. Prohibited Activities. No person shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy, or alter any area, including vegetation, within stream corridors, wetlands, and their setbacks as set forth below, except as may be expressly allowed in this chapter.
  - 4. Minimum Setbacks. Except where the city of Salt Lake, pursuant to its recognized extraterritorial jurisdiction, has defined a greater setback from watershed resources (including stream corridors and wetland areas), the following minimum setbacks shall be required:
    - a. Stream Corridors. All buildings, accessory structures, leach fields, and parking lots shall be set back at least one hundred feet horizontally, (plan view) from the ordinary high-water mark of stream corridors. (See Figure 12)

**Figure 12**  
**Setback from Stream Corridor**



b. Wetlands. All buildings, accessory structures, leach fields, and parking areas or lots shall be set back at least fifty feet horizontally (map distance), from the delineated edge of a wetland.

c. Open Space/Landscaping Credit for Setback Areas. All setback areas shall be credited toward any relevant private open space or landscaping requirements, but shall not be credited toward trail access dedication requirements.

5. Ephemeral Streams--Prohibited Activities. Development shall not be permitted within the channel of an ephemeral stream, as defined by its ordinary high water mark, except that the planning commission upon the recommendation of the development services director may grant waivers or modifications from this prohibition upon a finding that the development will have no adverse environmental impacts, or that such impacts will be substantially mitigated. The preceding notwithstanding, development within Salt Lake City's watershed areas, as delineated on maps incorporated by reference in Section 19.72.020(B)(2) of this chapter and on file with the Salt Lake County planning and development services division, shall in no instance be permitted closer than fifty feet of the channel of an ephemeral stream, as defined by its ordinary high water mark.

6. Preservation of Vegetation. All existing vegetation within the stream corridor or wetland setback area shall be preserved, and where necessary to provide adequate screening or to repair damaged riparian areas, supplemented with additional native or adapted planting and landscaping.

7. Bridges. The construction of bridges over a stream corridor and within the stream setback area is permitted provided such bridges are planned and constructed so as to minimize impacts on the stream corridor. (See Section 17.08.090, "Replacement and new bridge and culvert design criteria," and Section 19.73.080C, "Bridges for Stream Crossings.")

#### K. Wildlife Habitat Protection.

1. Intent and Purpose. Salt Lake County finds that its foothills and canyon areas provide important wildlife habitat for a wide variety of animal and bird species. As a result of past development activities, many habitat areas have been significantly impaired, altered, fragmented, and in some cases destroyed. In combination with the tree/vegetation and stream corridor/wetlands protection standards set forth above, the following requirements have been developed to promote and preserve valuable wildlife habitats and to protect them from adverse effects and potentially irreversible impacts.

2. Applicability. The requirements of this subsection shall apply to development on real property in the foothills and canyons overlay zone that contains wildlife habitats designated as "critical summer/winter

[value] use,” as shown on the Salt Lake County wildlife habitat maps, as amended, on file with the Salt Lake County planning and development services division.

3. Development Limitations in Areas of Critical Habitat. All development subject to this subsection shall, to the maximum extent feasible, incorporate the following principles in establishing the limits of disturbance and siting buildings, structures, roads, trails, and other similar facilities:

a. Maintain buffers between areas dominated by human activities and core areas of wildlife habitat, with more intense human activities, such as automobile and pedestrian traffic, relegated to more distant zones away from the core habitat areas.

b. Facilitate wildlife movement across areas dominated by human activities by:

i. Maintaining connections between open space parcels on adjacent and near-by parcels;

ii. Locating roads and recreational trails away from natural travel corridors used by wildlife such as riparian areas;

iii. Minimizing fencing types that inhibit the movement of wildlife species; and

iv. Minimizing the visual contrast between human-dominated areas, including individual lots, and less disturbed terrain in surrounding areas (for example, by retaining or planting native vegetation and trees around a house or accessory structure).

c. Mimic features of the local natural landscape in developed areas by:

i. Retaining pre-development, high-quality habitat to the maximum extent feasible, including large patches of natural, vegetated areas that have not yet been fragmented by roads or residential development;

ii. Minimizing levels of disturbance to trees, the understory, and other structural landscape features during construction;

iii. Designing house lots in a fashion consistent with local natural habitats, for example, by preserving and landscaping with natural, native vegetation; and

iv. Enhancing the habitat value of degraded pre-development landscapes with selective plantings.

4. Referral Requirements and Planning Commission Action.

a. Site development plan applications subject to this subsection shall be referred to the Utah Division of Wildlife Resources for review, comment, and recommendations. The Utah Division of Wildlife Resources’ comments and recommendations shall be incorporated into the staff report or in some other way transmitted in writing to the development services director (for permitted uses) or to the planning commission (for conditional uses and subdivisions) prior to final action on submitted proposals.

b. The development services director and planning commission shall give special consideration to wildlife habitats that are determined by the Utah Division of Wildlife Resources in their review to be of unique or critical value, and may require project modifications or special conditions recommended to mitigate impacts on critical wildlife habitat.

c. The planning commission may deny a development proposal if it finds that the proposed development will have significant adverse impacts on critical wildlife habitat that cannot be adequately mitigated.

i. Permitted Uses. If the development services director finds that a proposal for a permitted use may have significant adverse impacts on critical wildlife habitat that cannot be adequately mitigated, the site development plan shall be referred to the planning commission for final action.

ii. Definition. For purposes of this subsection, “significant adverse impact on critical wildlife habitat” means elimination, reduction, and/or fragmentation of wildlife habitat to the point that viability of an individual species is threatened in the county and the diversity of wildlife species occurring in the county is reduced.

L. Site Development and Design Standards. In addition to the development standards set forth in this section, all residential and commercial development within the foothills and canyons overlay zone shall comply with the development design standards set forth in Chapter 19.73, “Foothills and Canyons Site Development and Design Standards.” To the extent that standards in Chapter 19.73 conflict with the



requirements set forth in this chapter, the more restrictive provision shall apply.

**M. Traffic.**

1. **Impact Study Required.** Unless waived, a traffic and parking impact study shall be required as part of the site development plan application for the following developments in the foothills and canyons overlay zone:

- a. All residential development that creates a projected increase in traffic volumes equal to or greater than ten percent of current road/street capacity as determined by the Salt Lake public works engineer.
- b. All nonresidential development that creates a projected increase in traffic volumes equal to or greater than fifty trip-ends per peak hour.
- c. All development that affects a roadway identified by the public works engineer as having an unacceptable level of service (LOS).

2. **Impact Study--Contents.** A traffic and parking impact study shall address, at a minimum, the items specified in the “Submittal Requirements for Development Proposals in the Foothills and Canyons Overlay Zone,” which document is incorporated by reference.

3. **Standard of Review and Required Improvements.** All development subject to this subsection shall demonstrate that the peak hour levels of service on adjacent roadways and at impacted intersections after development shall comply with current Salt Lake County transportation and impact mitigation policies and recommendations. Transportation system improvements necessary to proportionately mitigate development-generated traffic impacts shall be installed or fully funded by the development or the owner of the property on which it is situated prior to the issuance of a certificate of occupancy or initiation of such use.

4. **Access Management Plan Required.** All development required by this subsection to submit an impact study shall also provide an overall access management plan to ensure free-flowing access to the site and avoid congestion and unsafe conditions on adjacent public roads and streets. The access management plan shall be combined with the required traffic and parking impact study. (Ord. 1473 (part), 2001; Ord. 1454 § 4 (part), 1999; Ord. 1417 § 2 (part), 1998)

**19.72.040 Establishment of limits of disturbance.**

A. **Establishment of Limits of Disturbance.** For every development subject to this chapter, the development services director shall establish “limits of disturbance” that indicate the specific area(s) of a site in which construction and development activity must be contained. For single-family residential development, limits of disturbance shall include that area required for the principal structure, an accessory structure(s), utilities, services, drainage facilities, and a septic tank. Areas required for driveways and leach fields are not included. (See Figures 13-15)

**Figure 13  
Existing Site**

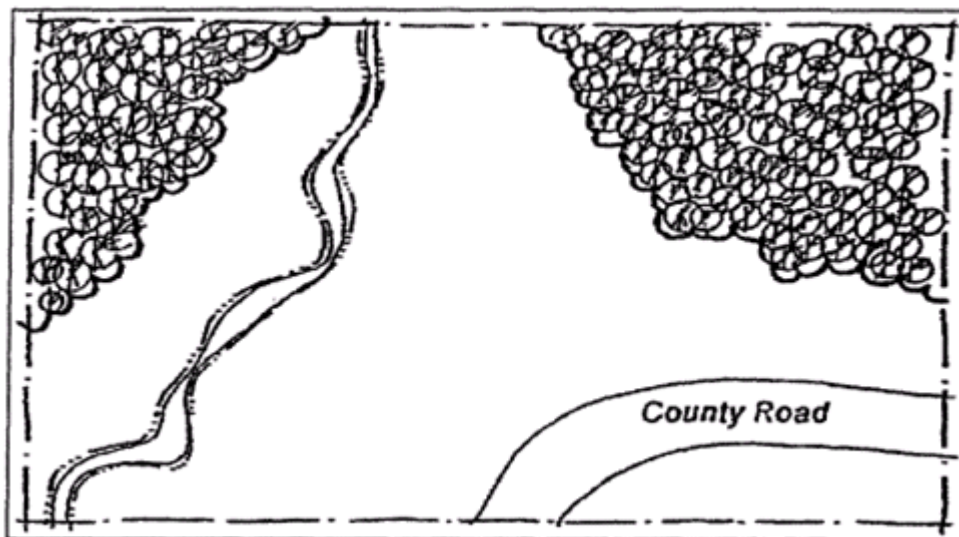


Figure 14  
Excessive Establishment of Limits of Disturbance

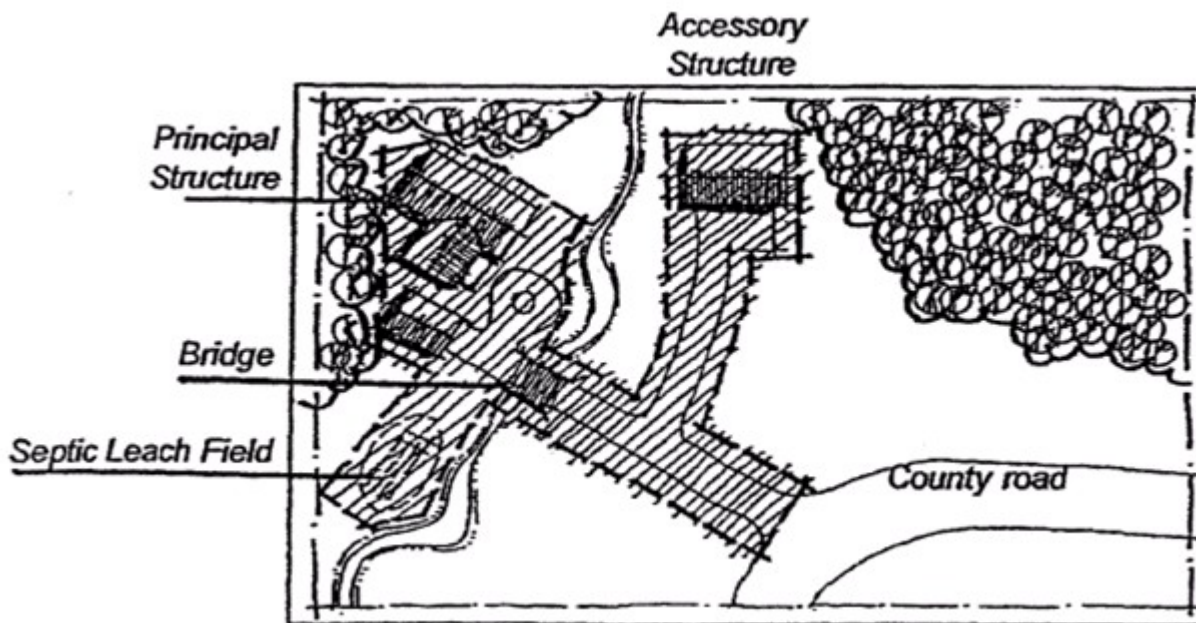
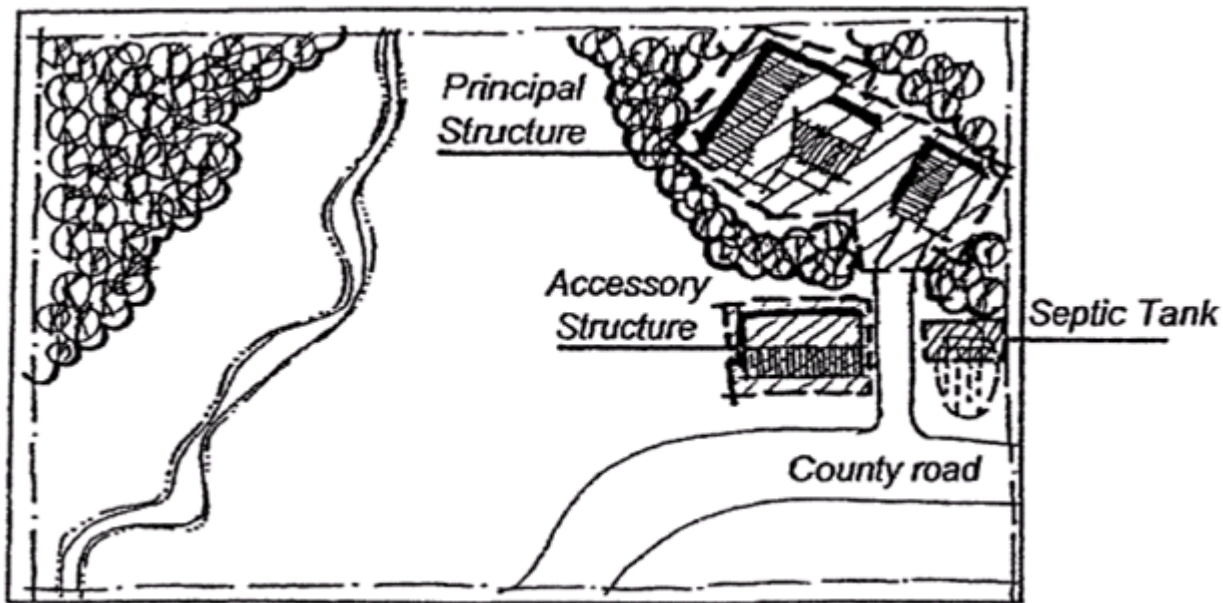


Figure 15  
Appropriate Establishment of Limits of Disturbance



B. Criteria for Establishing Limits of Disturbance. In establishing limits of disturbance, the following criteria and standards shall be considered and applied:

1. Minimize visual impacts from the development, including but not limited to screening from adjacent and downhill properties, ridgeline area protection, and protection of scenic views;
2. Erosion prevention and control, including but not limited to protection of steep slopes and natural drainage channels. (See Section 19.72.030B, "Slope Protection Standards" and Section 19.72.030L, "Site and Building Design Standards.");
3. Fire prevention and safety, including but not limited to location of trees and vegetation near structures. (See Section 19.72.030(H)(3), "Wildfire Hazards and Tree/Vegetation Removal.");
4. Preservation of significant trees or vegetation. (See Section 19.72.030H, "Tree and Vegetation Protection.");
5. Conservation of water including but not limited to preservation of existing native vegetation, reduction in amounts of irrigated areas, and similar considerations;
6. Wildlife habitat protection, including but not limited to preservation of critical wildlife habitat and identified migration corridors and routes. (See Section 19.72.030K, "Wildlife Habitat Protection.");
7. Stream corridor and wetland protection and buffering. (See Section 19.72.030J, "Stream Corridor and Wetlands Protection.");
8. Preservation of the maximum amount of the site's natural topography, tree cover, and vegetation.

C. Zero Lot Lines Allowed. Where appropriate to preserve or to protect steep slopes or other natural features, a structure may be located on a lot in such a manner that one or both of the side facades of a structure rest directly on a lot line. This provision shall not be interpreted to exempt a structure from any applicable building and fire code provisions or requirements.

D. Limits of Disturbance May Be Noncontiguous. Limits of disturbance necessary to accommodate proposed development may be noncontiguous in order to best meet the criteria and standards set forth in this section. (See Figures 13-15)

E. Clustering. Clustering of building pads and parking areas within a building site is strongly encouraged and may be required to minimize the size of the limits of disturbance and to maintain the maximum amount of open space in the development. (See Figures 14 and 15)

F. Maximum Limits of Disturbance.

1. Single-Family Residential Uses: For lots or parcels less than one acre in size, the limits of

disturbance for an individual single-family use and any accessory structure shall not exceed ten thousand square feet, unless:

- a. Significant existing site vegetation is retained, or
- b. Remedial revegetation and land reclamation improvements which substantially advance the purposes of this chapter have been proposed and will be implemented on the site in accordance with a revegetation and land reclamation plan reviewed and approved by the development services director.

In such cases, the limits of disturbance for lots or parcels less than one acre in size may be increased up to but not to exceed fifteen thousand square feet.

For lots or parcels one acre in size or greater, the limits of disturbance for an individual single-family use and any accessory structure shall not exceed twelve thousand square feet unless the aforementioned conditions (retention of significant existing site vegetation or submittal and implementation of an approved revegetation and land reclamation plan) are provided, in which case the limits of disturbance may be increased up to but not to exceed eighteen thousand square feet.

2. All Other Land Uses. The maximum limits of disturbance, including parking areas and accessory buildings and structures, shall be determined on a case-by-case basis. Areas for leach fields constructed in connection with an on-site sewer system shall not be included in the determination of limits of disturbance, but must be revegetated with native vegetation in accordance with state regulations for individual wastewater systems. (Ord. 1417 § 2 (part), 1998)

19.72.050 Approval procedure for development in the foothills and canyons overlay zone.

A. Purposes. The purpose of the approval procedures set forth in this section is to ensure compliance with the zoning standards and provisions of this chapter and all other applicable ordinances and codes, while encouraging quality development in the foothills and canyons reflective of the county's goals, policies, and objectives set forth in this chapter, the Wasatch Canyons general plan, and other applicable community plans.

B. Applicability. All development proposed in the foothills and canyons overlay zone is subject to the site development plan approval procedures set forth in this section. No development or construction activity, including tree/vegetation removal and grading, or subdivision of land, shall occur on property subject to this chapter until a site development plan has been approved.

1. Permitted Uses. Site development plans for uses permitted by the underlying zone may be finally approved by the development services director upon substantiation of compliance with the zoning standards and provisions of this chapter and all other applicable ordinances and codes.

2. Conditional Uses. Site development plans for conditional uses shall be submitted in a form that satisfies the requirements of both this chapter and the conditional use provisions (Chapter 19.84) of this title and shall be subject to final approval by the planning commission pursuant to the process set forth in this section.

3. Subdivisions. Site development plans for subdivisions shall be submitted in a form that satisfies the requirements of both this chapter and the subdivision provisions of Title 18 and shall be subject to the same review and approval process as set forth therein.

C. Preapplication Meeting. A preapplication meeting with the development services director is required prior to submitting a site development plan application. The purposes of the preapplication meeting are:

1. To provide an opportunity for the county to explain the site development plan review and approval process;
2. To discuss the proposed development of the site and its relationship to site conditions and area characteristics;
3. To describe applicable provisions of this chapter and other codes and ordinances; and
4. To clarify the scope of submittal requirements.

a. Attendance. In addition to the development services director, other county participants in the preapplication meeting may include the county geologist, representatives from the health department,

and any other person or entity the county deems appropriate.

b. Request for a Preapplication Meeting. To request a preapplication meeting, the applicant shall submit a request on a form approved by the development services division, together with any reasonable fee and materials that the development services division deems necessary. The materials and form submitted for the preapplication meeting shall not be considered an application for site development plan approval.

c. Scheduling. Upon submittal of the applicant's form and materials, the development proposal shall be scheduled for consideration and discussion at the next regularly-scheduled preapplication meeting.

D. Application for Site Development Plan Approval.

1. Submittal Requirements. Upon conclusion of the preapplication meeting process the applicant shall submit an application form, together with the maps, plans, and reports described in the document entitled "Submittal Requirements for Development in the Foothills and Canyons Overlay Zone," incorporated herein by reference, and any applicable fees, to the Salt Lake County development services division. In the event a waiver from this chapter's slope protection standards for lots of record is being requested (see Section 19.72.060A), then such request shall also be filed with the application. All submitted materials shall be available for public review.

a. Waiver/Modification of Analysis and Study Requirements. If, as a result of the preapplication meeting assessment of the development proposal and any site field inspections that may have been conducted, the development services director determines that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development are such that a full and adequate analysis of the development may be conducted without requiring all of the materials referenced in subsection (D)(1) of this section; then such materials as are determined to be unnecessary for the analysis may be waived or modified by the director.

b. Corrections and Additional Information Requirements. The development services director or, in the case of conditional uses or subdivisions, the planning commission may require correction of any submitted information found to be in error. Additional information as may be necessary to substantiate compliance with the provisions and standards of this chapter and other applicable codes and ordinances may also be required.

c. Incomplete Applications. Applications that do not meet the submittal requirements as set forth in this chapter shall not be accepted.

2. Acceptance of Applications. The development services director shall assess submitted applications with respect to their compliance with the "Submittal Requirements for Review of Development Proposals in the Foothills and Canyons Overlay Zone," either in whole or as modified as authorized herein, and notify the applicant in writing either of the adequacy and acceptance of the application or of the specific deficiencies or errors in the submitted materials that need to be provided prior to acceptance.

3. Staff Review. Upon acceptance of a complete application package, the development services director shall review the development proposal and document the assessment process and its conclusions through the preparation of a written staff report describing the extent to which the proposed development, as submitted, complies with the standards and criteria set forth in subsection F of this section and in other applicable county and state ordinances and codes. The report shall also specify all areas of noncompliance together with such modifications and conditions of approval as may be necessary to incorporate into the development to bring it in to full compliance, if possible, with applicable code and ordinance requirements and to mitigate identified impacts. Inability to achieve compliance with applicable standards and criteria shall warrant denial of the proposal as submitted.

a. Technical and Outside Agency Assistance. In making a determination on a site development plan application, the development services director may seek technical and policy recommendations from other public agencies with legal jurisdiction over matters affecting or affected by the proposed development, such as, but not limited to, the board of health; Utah Division of Wildlife Resources;

Utah Division of Forestry, Fire, and State Lands; U.S. Forest Service; and U.S. Soil Conservation Service.

b. Failure to complete and document the assessment process regarding the development's compliance with applicable regulations and standards shall not be deemed to be approval.

4. Development Services Director Consideration and Action on Site Development Plans for Permitted Uses. Upon completion of the review and report on an application for site development plan approval for a permitted use, the development services director shall take final action on the proposal as submitted.

a. The development services director shall take one of the following actions, based on application of the standards for review set forth in subsection F of this section:

i. Approve the application, either as originally proposed or as modified by mutual agreement through the development review process;

ii. Approve the application with such reasonable conditions and safeguards as are necessary to implement the purposes of this chapter and title, subject to subsection (D)(8) of this section, "Compliance with Conditions of Approval;" or

iii. Deny the application on the basis of specific findings communicated to the applicant in writing.

b. Notice. The development services director shall notify an applicant in writing of the final disposition on an application for site development plan approval for a permitted use.

c. Appeals from Development Services Director Action. Appeals of a decision of the development services director on an application for site development plan approval for a permitted use shall be filed in accordance with the procedures set forth in Section 19.92.050 of this title.

5. Development Services Director Consideration and Recommendation on Site Development Plans for Conditional Uses and Subdivisions. Upon completion of the review and report on an application for site development plan approval for a conditional use or subdivision, the development services director shall forward the request, together with a recommendation for final action, to the planning commission, unless authorized by this title to grant approval of such request, subject to applicable referral and appeal provisions.

6. Planning Commission Consideration and Action on Site Development Plans for Conditional Uses and Subdivisions. Upon receipt of the development services director's staff report and recommendation, the planning commission shall review the application, site development plan, and related materials and make a final decision on the proposal.

a. The planning commission shall take one of the following actions, based on application of the standards for review set forth in subsection F of this section:

i. Approve the application, either as recommended by the development services director or as further modified by mutual agreement with the applicant during the planning commission's deliberations;

ii. Approve the application with such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and title, subject to subsection (D)(8) of this section, "Compliance with Conditions of Approval;" or

iii. Deny the application on the basis of specific findings communicated to the applicant in writing.

b. Optional Public Hearing. Where the planning commission finds that the size, complexity, projected impacts, proximity to conflicting land uses, or any other aspects of the proposed development may raise issues of particular concern to the general public and welfare, the planning commission may hold a public hearing pursuant to public notice to inform the public and obtain comment prior to taking action on a proposed site development plan. Notice shall be given pursuant to Section 19.84.040D of this title.

c. Notice. The development services director shall notify an applicant in writing of the planning commission's final action on an application for site development plan approval for a conditional use or subdivision.

7. Appeals from Planning Commission Action. Appeals may be made by any party aggrieved by the

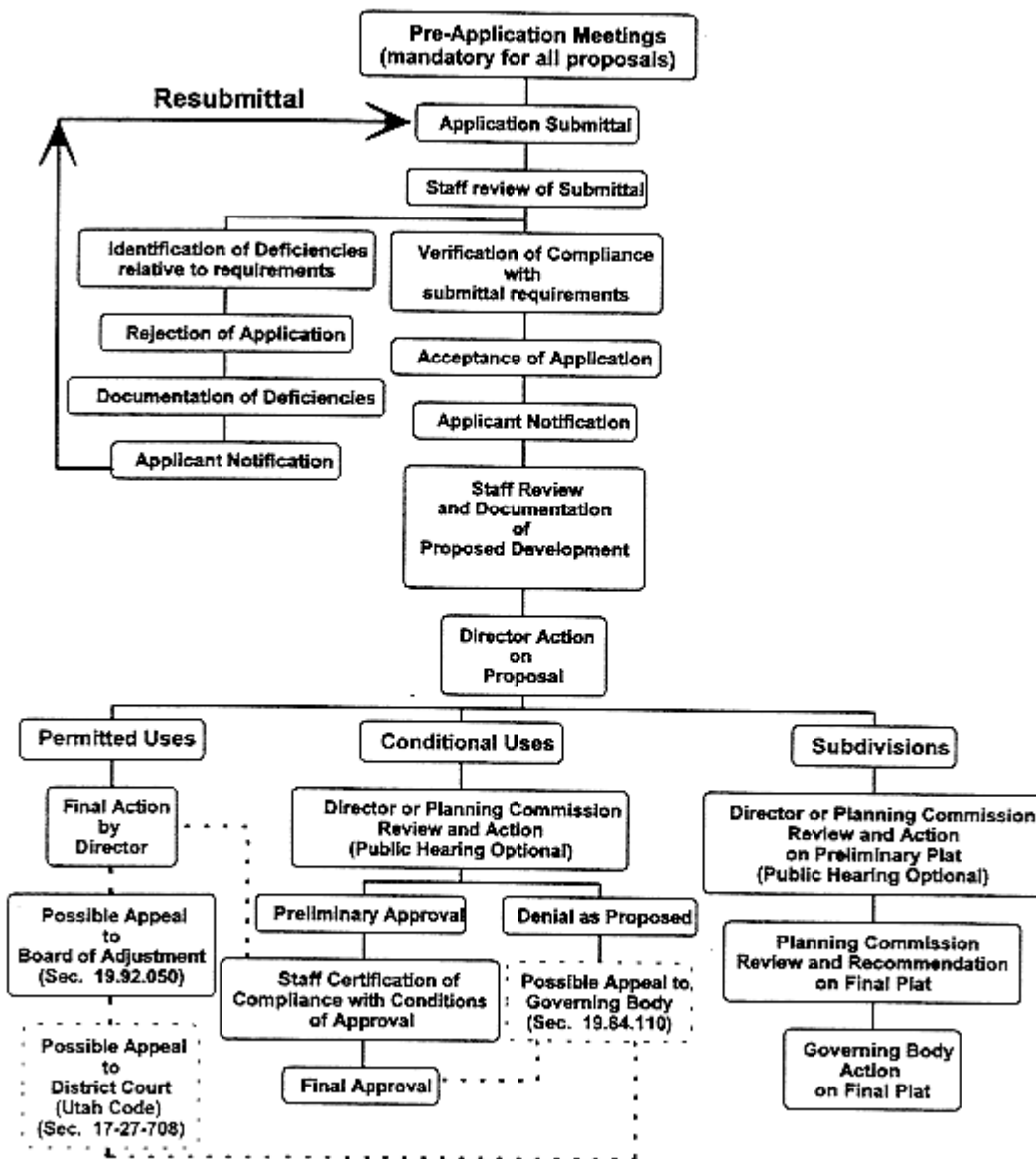
decision of the planning commission on an application for site development plan approval. All such appeals shall be to the board of adjustment pursuant to the procedures set forth in Section 19.92.050 of this title. The board of adjustment shall apply the review standards set forth in subsection F of this section in determining an appeal.

8. Compliance with Conditions of Approval.

- a. Preliminary Approval Only. If the director of development services, planning commission, or board of adjustment on appeal, condition approval of a site development plan application upon receipt of additional information, amendments, or other actions, the decision-maker's action shall be considered only a preliminary approval of the site development plan application.
- b. Final Approval Upon Satisfaction of Conditions. Except as specified in subsection (D)(8)(d) of this section, the development services director is authorized to grant final approval of the site development plan application only after all of the conditions and requirements of the preliminary approval have been met and satisfied. Where the conditions require the applicant to obtain necessary county or state permits, the applicant's failure to comply shall result in a denial of the site development plan. A determination that the applicant has complied with all conditions shall, together with the amended plan, constitute final site development plan approval. The development services director shall, in either event, notify the applicant in writing of the final disposition of the request.
- c. Failure to Comply with Conditions of Preliminary Approval--Appeal.
  - i. If the development services director's determination is that the applicant has not substantially complied with all of the required conditions of approval for a conditional use or subdivision, the site development plan application shall be denied and any subsequent applicant revisions or modifications shall be considered a new application subject to all the requirements and procedures herein.
  - ii. The applicant may appeal the compliance determination of the development services director on a conditional use or subdivision to the planning commission pursuant to the procedure set forth in Section 19.84.100 of this title.
- d. Planning Commission Consideration of Final Approvals. The planning commission may require as a condition of preliminary approval that a site development plan application be brought back before the commission for final consideration and approval.

E. Flow Chart of Site Plan Approval Process.





F. Standards for Review. The following standards shall be utilized in the consideration of and subsequent action on applications for site development plan review and approval. Failure to comply with any of the following shall constitute sufficient grounds for denial of a development subject to the provisions of this chapter.

1. The development shall be consistent with the purposes and intent of this chapter, and with the policies, goals, and objectives of any applicable plan, including the Wasatch Canyons general plan, the Salt Lake County regional trails plan, and applicable community general plans, as such plans are amended from time to time;
2. The development complies with the requirements set forth in Section 19.72.030, "Development standards," of this chapter, except to the extent modifications and waivers have been expressly granted;
3. The development complies with all applicable development regulations, standards, requirements, or plans adopted by the state, including but not limited to water quality and wastewater regulations;
4. Construction, grading, and development activities are restricted to limits of disturbance that comply with the standards and criteria set forth in Section 19.72.040, "Establishment of limits of disturbance,"

of this chapter.

**G. Time Limit and Effect of Site Development Plan Approval.**

1. **Construction in Compliance with Approved Site Development Plan and Conditions of Approval Required.** A building permit issued pursuant to this site development plan approval process must reference all conditions or stipulations applicable to such approval. All development, construction, and use shall be in accordance with the approved site development plan.

2. **Valid for One Year.** An approved site development plan shall be valid for a period of twelve months from the date of the development services director's or planning commission's action granting final approval, except as authorized in subsection (G)(4)(a) of this section for multi-phase development.

3. **Issuance of Building Permit Within One-Year Period.** A building permit may be obtained at any time within the twelve-month period. If a building permit is not timely issued within the one-year period, approval of the site plan shall automatically lapse and be null and void.

4. **Extensions of Time.**

a. **Phasing.** A building permit issued for any phase of a development that has received site development plan approval pursuant to this chapter shall extend the life of the site development plan for the entire development for an additional twelve months from the date of issuance of the building permit. If any successive twelve-month period expires before a building permit is issued for a subsequent phase or phases, then the site development plan approval shall automatically lapse and be null and void as to all undeveloped or unbuilt phases of the development.

b. **Other Extensions.** A twelve-month extension of the life of the site development plan may be obtained subject to paying an extension fee equal to one times the original filing fee for the site plan application. (Ord. 1473 (part), 2001; Ord. 1454 § 4 (part), 1999; Ord. 1417 § 2 (part), 1998)

**19.72.060 Administration and enforcement.**

**A. Administrative Modification of Standards Allowed.**

1. **Development Standards in Relation to the Establishment of Limits of Disturbance.** In establishing the limits of disturbance for developments subject to this chapter, the development services director shall have the discretion to administratively modify the following development standards up to twenty-five percent:

a. Site and building design standards, as set forth in Section 19.72.030L;

b. Tree and vegetation protection standards, as set forth in Section 19.72.030H;

c. Perennial stream corridor and wetlands setbacks, as set forth in Section 19.72.030J and Section 19.73.080B;

d. Driveway access standards, as set forth in Section 19.72.030E;

2. **Limitations on the Granting of Administrative Modifications in Relation to the Establishment of Limits of Disturbance.** The development services director may only exercise the aforementioned administrative modification authorities if either or both of the following circumstances apply:

a. **Modification would result in:**

i. More effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features on the site; and/or

ii. Less visual impact on the property or on the surrounding area; and/or

iii. Better protection of wildlife habitat.

b. **Strict application of the standard(s) would render a site undevelopable.**

3. **Exceptions to Perennial Stream Corridor and Wetland Setback Requirements for Lots of Record.**

a. **Existing Legally-Established Buildings and Structures.** A building or structure legally existing on the effective date of the ordinance codified in this chapter that is within fifty feet of a perennial stream corridor or twenty-five feet of a wetland may be renovated, altered, or expanded as follows:

i. Renovations or alterations that will not increase the gross floor area of the original, existing structure are permitted.

ii. Renovations, alterations or expansions which will increase the gross floor area of the original, existing building or structure are limited, regardless of change of ownership, to a cumulative total expansion of no more than two hundred fifty square feet of gross floor area located closer than fifty feet to a perennial stream corridor or closer than twenty-five feet to a wetland.

iii. Renovations, alterations or expansions which will increase the gross floor area of the original, existing building or structure but which are no closer than fifty feet to a perennial stream corridor or no closer than twenty-five feet of a wetland are permitted, subject to compliance with all other applicable regulations and standards.

b. New Buildings and Structures. In establishing the limits of disturbance for new developments subject to this chapter, the development services director may authorize construction to no closer than fifty feet from a perennial stream corridor or to no closer than twenty-five feet from a wetlands upon satisfaction of the following criteria:

i. Denial of an encroachment of more than twenty-five percent into the stream or wetlands setback area would render the site undevelopable; and

ii. No alternative location for the development that is further from the stream or wetland is feasible or available; and

iii. Creative architectural or environmental solutions have been incorporated into the development proposal in order to ensure that the purposes of stream corridor protection, as set forth in Section 19.72.030 of this chapter, are achieved; and

iv. No federal or state laws, or other county ordinances or regulations would be violated.

4. In allowing for the preceding improvements, the development services director shall not:

a. Increase the maximum limits of disturbance set forth in Section 19.72.040F; or

b. Authorize the encroachment of more than five hundred square feet of gross floor area of structural improvements (cumulative total) within the land area between seventy-five feet and fifty feet from perennial stream corridor or within the land area between fifty and twenty-five feet of a wetland.

5. Appeals of decisions on modifications shall be addressed as set forth in Section 19.92.050 of this title, as applicable.

B. Planning Commission Authority to Waive or Modify Standards.

1. Waiver of Slope Protection Standards for Lots of Record.

a. Subject to the conditions set forth in subsection (B)(1)(b) of this section, the planning commission may waive or modify the following standards as applied to development on lots of record and in subdivisions that were approved prior to the effective date of the ordinance codified in this chapter:

i. Slope protection standards regarding prohibition of development on slopes greater than thirty percent or in ridge line protection areas, as set forth in Section 19.72.030B; or

ii. Limitations on the crossing of slopes greater than thirty percent with any street, road, private access road or other vehicular route, as addressed in Section 19.72.030(D)(3)(4).

b. The planning commission may waive or modify the aforementioned standards only upon satisfaction of the following criteria:

i. Strict compliance with the slope protection standards in Section 19.72.030B or in Section 19.72.030(D)(3)--(4) would render the site completely undevelopable; or

ii. Strict compliance with the slope protection standards in Section 19.72.030B or in Section 19.72.030(D)(3)--(4) would result in a substantial economic hardship (as defined in Section 19.72.070) not created by the applicant or otherwise self-imposed; and

iii. The development conforms with all other development, site design, and environmental standards set forth in this chapter, in Chapter 19.73, "Foothills and Canyons Site Development and Design Standards," and in all other applicable ordinances and codes.

c. Notwithstanding its discretion to grant waivers for lots of record from the slope protection standards set forth in this chapter, in no case shall the planning commission permit development other than roads on slopes greater than forty percent.

d. In granting a waiver from or modification of the slope and ridge line protection standards set forth in Section 19.72.030B of this chapter, the planning commission may impose such conditions as are reasonable and appropriate to not only mitigate the impacts of the proposed development on adjacent properties and area characteristics, but to also enhance their compatibility with the surrounding environment. Such conditions may include, for example, but are not limited to, a reduction in the maximum building height otherwise permitted by the underlying zone (e.g., a reduction to twenty feet from the thirty-foot maximum building height permitted in the F.R. zone); mandatory (rather than advisory) incorporation of specific building scale and design, building materials and colors, landscaping and vegetation, and other site development and design standards of Chapter 19.73 of this title that are otherwise advisory, etc.

#### C. Waivers and Modifications for Ski Resorts, Public Uses, and Mineral Extraction and Processing Uses.

1. Authority to Grant Waivers. The topographic conditions, soil characteristics, hydrologic patterns, climatic constraints, susceptibility to natural hazards, vegetation, wildlife habitat concerns, and aesthetic considerations of foothill and canyon areas often create circumstances in which strict compliance with adopted standards is not only difficult but sometimes impossible to achieve. As these challenges are frequently created by the very nature and operational characteristics of ski resort developments, mineral extraction and processing operations, and many public uses, and are therefore most often self imposed, other avenues of administrative relief are sometimes necessary and appropriate. Accordingly, the development services director, and the planning commission, as authorized by this title with regards to the review and approval of conditional use permits, may waive or modify the development standards of this chapter in accordance with the procedures and criteria set forth in this section and in subsection (C)(5) of this section.

2. Waiver Request Procedures. A petition or request for a waiver or modification of the development standards of this chapter shall be submitted in writing by the owner or authorized agent of the property for which administrative relief is sought. Such request shall be made concurrent with the conditional use permit application relating to the proposed establishment and operation of the requested use. The petition or written request seeking the waiver or modification shall clearly indicate:

- a. Those aspects or elements of the development proposal which would not be permitted through strict application of the regulations contained in this chapter;
- b. The specific regulations which would need to be waived or modified in order to accommodate the development as proposed;
- c. The basis, justification, or grounds, in the applicant's opinion, for granting the waiver or modification;
- d. Improvements or design alternatives which would be incorporated into the development, in lieu of strict adherence to the regulations from which waiver or modification is sought, that would lessen or mitigate impacts on adjacent properties and area characteristics, or enhance the environmental compatibility of the proposed development when compared to other design alternatives.

In addition to other submittal requirements, as set forth in this chapter, applications for developments for which waivers or modifications are requested shall clearly illustrate on all graphic materials and supporting written documentation the exact nature and locations of improvement for which waivers or modifications have been requested.

3. Proposed Modifications--Referral for Comment. Each proposed waiver or modification shall be referred to the operational division, department, or agency with jurisdiction over the applicable regulation. The comments, concerns, and recommendations regarding the requested waiver or modification shall be specifically incorporated into the written staff analysis and recommendations prepared for subsequent action by the development services director or the planning commission on the conditional use.

4. Public Hearing and Notice. Requests for waivers or modifications of the development standards of

this chapter shall, in the instance of uses that require approval at a public hearing, incorporate into the published notice of hearing the specific ordinance provisions from which the waivers or modifications are requested, together with the alternative development patterns or characteristics that would result from the granting of the requested waivers or modifications.

Where it is required that owners of properties within three hundred feet of the exterior boundaries of that for which development is proposed be notified by first class mail prior to a public hearing, such owners shall likewise be notified in writing of requested waivers, modifications, and alternative development proposals.

Ski resort developments subject to multi-jurisdictional approvals that have completed a National Environmental Policy Act (NEPA) or other comprehensive public review and comment process and been granted approval for development on lands under the jurisdiction of those agencies administering such processes shall be exempt from subsequent compliance with the county noticing and public hearing requirements of this section so long as:

- a. A notice of intent to request waiver or modification of otherwise applicable Salt Lake County zoning ordinance provisions, together with the specific ordinance provisions that the request will apply to and the alternative development standards and improvements that are proposed have been incorporated into the public notification materials of the other agencies with review and approval authority; and
- b. The information presented to the public in the review and comment processes administered by those agencies was, with respect to those portions of the development proposal that are to be situated on privately-owned lands subject to the review and approval of Salt Lake County, at a level of site planning and construction detail consistent with that required by the county for its own public review and comment process; and
- c. The issues, comments, and concerns expressed through the process were conveyed in writing to the development services director for consideration prior to any official county action on the proposal.

5. Criteria for Approval. Waivers or modifications to the development standards of this chapter may only be approved upon evidence establishing the following criteria, as deemed applicable by the development services director or planning commission, depending upon which has jurisdiction over the particular proposal:

- a. That the improvements proposed are essential to the operation and maintenance of the property and use, and that no reasonable alternative means of satisfying such requirements are feasible or readily available;
- b. That the physical surroundings, shape, or topographic conditions of the specific property involved are such that strict compliance with these regulations would result in extraordinary hardship or practical difficulties, or a substantial economic hardship (as defined in Section 19.72.070) for the owner of the property;
- c. That strict or literal interpretation and enforcement of the specified regulation would result in a development approach unintentionally inconsistent with the objectives of this chapter;
- d. That the waivers or modifications granted will result in a development approach which better preserves area views, reduces adverse impacts on existing trees and vegetation, reduces the overall degree of disturbance to steep slopes, protects wildlife habitat, and reflects a greater degree of sensitivity to stream corridors, wetlands, rock outcrops, and other sensitive environmental features in the vicinity of the proposed improvements;
- e. That the granting of the waiver or modification will not be detrimental to the public health, safety, or general welfare, or materially injurious to properties or improvements in the vicinity;
- f. That the waiver or modification granted shall not have the effect of nullifying the intent and purpose of these regulations;
- g. That the proposed development, as modified by the request, is not in conflict with the goals, objectives, and policies of the adopted community general plan applicable to the area;
- h. That creative architectural or environmental solutions can be applied and used to alternatively

achieve the purposes of this chapter;

- i. That the development in all other respects conforms with the site design, development, and environmental standards set forth in this chapter, in Chapter 19.73, "Foothills and Canyons Site Development and Design Standards," and in all other applicable ordinances and codes;
- j. That the waivers or modifications granted do not result in the violation of other applicable federal, state, and county laws.

6. Action on Waiver Requests.

- a. The waiver or modification may be approved as proposed, approved in an alternative manner which better satisfies the required findings of fact, or may be denied.
- b. The decision on the request shall include the reasons for approval or disapproval.
- c. In granting a waiver from or modification of the development standards of this chapter, such conditions may be imposed as are reasonable and appropriate to mitigate the impacts of the proposed development on adjacent properties and area characteristics. These may include, for example, but are not limited to: measures for the protection of scenic vistas, especially with respect to views from public rights-of-way and public lands; measures for the protection of natural settings in the vicinity of site improvements; measures to enhance the relationship to and compatibility with other structures and open spaces in the vicinity of the proposed improvements; etc.
- d. All development shall comply with approved plans. Any proposed revisions or changes to approved waivers or modifications shall require resubmittal for consideration and final action.

7. Limitations. Notwithstanding the discretion to grant waivers or modifications from the standards set forth in this chapter, in no case shall development other than pedestrian or nonmotorized trails, vehicular access routes for emergency or maintenance purposes, ski runs, ski lifts with supporting appurtenances, or similar recreation access corridors be permitted on slopes greater than forty percent but less than fifty percent, except as otherwise authorized in this chapter. In no case shall roads or vehicular access corridors of any kind be permitted on slopes in excess of fifty percent.

8. Notations. In the approval of any waiver or modification under the provisions of this chapter, the development services director shall note in the file for the conditional use permit authorizing the use for which the waiver or modification is granted, as well as on the building permit issued for the proposed development, the exact nature and conditions of approval of such waiver or modification.

9. Appeals. Any person or entity adversely affected by a waiver or modification decision of the development services director may appeal such decision to the board of adjustment in accordance with the provisions of Section 19.92.050 of this title. Appeals must be filed in writing in the development services director's office within ten days following the date upon which the decision is made, and must be based solely on an assertion that an error has been made in the interpretation or administration of the provisions of this title. The person or entity making the appeal has the burden of proving by a preponderance of the evidence that an error has been made. Appeals of development services director decisions regarding conditional uses shall be processed in accordance with the requirements of Section 19.84.100 of this title.

Appeals to the board of adjustment of planning commission decisions on waiver or modification requests subject to the provisions of this chapter shall be filed in writing in the planning and development services office within ten days following the date upon which the decision is made by the planning commission. The appeal shall thereafter be considered by the board of adjustment, as set forth in Section 19.92.050 of this title.

D. Violations/Penalties for Unauthorized Land Disturbance and Tree/Vegetation Removal. Any applicant, whether as principal, agent, employee, or other, who violates the provisions of this chapter by removing trees or vegetation or exceeding the prescribed limits of disturbance shall be guilty of a misdemeanor and punishable as provided by law and/or shall be subject to civil penalties as provided by law. Such applicant who violates this chapter shall be deemed to be guilty of a separate offense for each and every day during which any violation of this chapter is committed, continued, or permitted by

such person. In addition, any applicant violating the provisions of this chapter shall replace all trees/vegetation illegally removed pursuant to the standards set forth in Section 19.72.030H of this chapter.

E. Financial Assurances. Financial assurances such as cash or surety bonds, escrow agreements, or letters of credit provided in lieu of actual completion of improvements required under this chapter shall be subject to the provisions of Section 19.02.110 of this title or those set forth in Title 18, the subdivision ordinance for Salt Lake County, as deemed most applicable by the public works director. (Ord. 1473 (part), 2001; Ord. 1454 § 4 (part), 1999; Ord. 1417 § 2 (part), 1998)

#### 19.72.070 Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

“Alteration” means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, or any change in the dimensions or configurations of the roof or exterior walls, as well as any change in doors, windows, means of ingress or egress, or any expansion or diminution of a building or structure.

“Building site” means a space of ground occupied or to be occupied by a building or group of buildings.

“Caliper” means a standard for trunk measurement of nursery stock, determined by measuring the diameter of the trunk six inches above the ground for up to and including five-inch caliper size, and twelve inches above the ground for larger trees.

“Cartway” means the paved area of a street between the curbs, including travel lanes and parking areas, but not including shoulders, curbs, sidewalks, or swales. If curbs are lacking and parking is restricted to shoulders, the cartway is defined as the travelway (exclusive of shoulders).

“Clustering” means a development or subdivision design technique that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.

“Driveway” means a private area used for ingress and egress of vehicles, which may be paved or unpaved, and which allows access from a street or road to a building or other structure or facility, provided such private area is used by:

1. No more than two residential units; or
2. No more than two principal nonresidential uses provided such uses together do not exceed twenty-five thousand square feet in gross floor area.

“Engineering geologist” means a geologist experienced in the application of geologic knowledge and principles in order to evaluate naturally occurring rocks and soils for use in development. Training and expertise minimums are a four-year degree in geology and three years of direct working experience.

“Expansion” means an increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

“Fence” means a structure erected to provide privacy or security that defines a private space or is used to constrain domestic animals

“Geotechnical engineer” means an engineer experienced and knowledgeable in the practice of soils engineering (the application of the principles of soils mechanics). Registration in Utah and a minimum of three years experience in the geotechnical industry are minimum requirements.

“Grading” means any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.

“Impermeable coverage” means those portions of a lot that are covered by principal and accessory buildings or structures, and by surfaces that prevent the passage or absorption of stormwater such as paving and driveways.

“Landscape architect” means a design professional licensed by the state to render or offer any of the following services:



1. Production of a site plan which may include the design of sprinkler irrigation systems, landscape grading and drainage plans, or parking lots;
2. Design of retaining walls, raised platforms, decks, and walkways incidental to the production of a site plan; or
3. Design of covered pavilions, gazebos, restrooms, storage and maintenance facilities, and other accessory structures incidental to the production of a site plan when the structure does not exceed one thousand square feet.

“Limits of disturbance” means the area(s) in which construction and development activity must be contained, including development and construction of the principal building and permitted accessory structures, play areas, and on-site septic tanks, utilities, drainage, and other services.

“Lot of record” means a lot or parcel of land created prior to August 15, 1997; established in compliance with all laws applicable at the time of its creation; and recorded in the office of the county recorder either as a part of a recorded subdivision or as described on a deed.

Lot of Record, Substandard. “Substandard lot of record” means an existing lot, the area, width, or other characteristics of which fails to meet the requirements of the zoning district in which it is located and which was conforming and “of record” prior to enactment of the zoning ordinance. (See “Lot of record.”)

“Maximum extent feasible” means no prudent, practical, and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining “maximum extent feasible.”

“Minor ski resort improvements” means construction activities or facilities associated with the ongoing operation and maintenance of approved ski runs, ski trails, ski lifts and related appurtenances, recreational access corridors, pedestrian or non-motorized trails, or vehicular maintenance roads constructed or used in connection with the construction, operation or maintenance of a ski resort.

“Modification” means to make minor changes.

“Open space” means any area of a lot that is completely free and unobstructed from any man-made structure or parking areas.

“Ordinary high water mark” means the line on the bank to which the high water of a stream ordinarily rises annually in seasons, as indicated by changes in the characteristics of soil, vegetation, or other appropriate means taking into consideration the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark shall be measured so as to include the entire stream feature.

“Overlay zone” means a zoning district that encompasses one or more underlying zones and that imposes additional or alternative requirements to that required by the underlying zone.

“Planning commission” means the county-wide planning commission established pursuant to Chapter 19.05 of this zoning ordinance and, where applicable, a township planning commission established pursuant to the ordinances, rules, and regulations of Salt Lake County.

“Qualified professional” means a professionally trained person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.

Renovation. See “Alteration.”

“Retaining wall” means a wall designed and constructed to resist the lateral displacement and erosion of soils or other materials.

“Ridgeline protection area” means an area consisting of a prominent ridgeline that is highly visible from public rights-of-way or trails, and that includes the crest of any such designated prominent hill or slope, plus the land located within one-hundred feet horizontally (map distance) on either side of the crest.

“Significant trees” means large trees of six-inch caliper or greater, groves of five or more smaller trees, or clumps of oak or maple covering an area of fifty square feet to the drip lines.

“Site plan” means an accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development, including but not limited to: topography; vegetation; drainage; flood plains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; utility services; structures and buildings; lighting; berms, buffers and screening devices; development on adjacent property; and any other information that may be required to make an informed decision.

“Ski resort” means any public or private developed recreational use, with associated facilities and improvements, for downhill or cross-country skiing, snowboarding, snow shoeing, snowmobiling, or other snow-related activities operated on a commercial or membership basis, whether solely on privately-owned property or on privately-owned lots or parcels interspersed with public land under a special use permit from the U.S. Forest Service or other public agency, primarily for the use of persons who do not reside on the same lot or parcel as that on which the recreational use is located. Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of the facilities as a resort. This term shall not exclusively include any use which is otherwise listed specifically as a permitted or conditional use in this title.

“Slope” means the level of inclination from the horizontal determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. For purposes of regulation and measurement, slopes must cover at least twenty-five feet vertically and fifty feet horizontally.

Stream, Ephemeral. “Ephemeral stream” means those channels, swales, gullies, or low areas that do not have flow year-round or are not shown on U.S.G.S. topographic maps as perennial streams. These are generally channels that are tributary to perennial streams, other ephemeral streams, terminal low areas, ponds, or lakes. They are typically dry except during periods of snowmelt runoff or intense rainfall. (See also “Stream, Perennial.”)

Stream, Perennial. “Perennial stream” means those streams, excluding ephemeral streams and ditches and canals constructed for irrigation and drainage purposes, that flow year-round during years of normal rainfall, and that are identified on the appropriate United States Geological Services (U.S.G.S.) topographic maps as perennial streams. (See also “Stream, Ephemeral.”)

“Stream corridor” means the corridor defined by a perennial stream’s ordinary high water mark.

“Substantial economic hardship” means a denial of all reasonable economic use of a property.

“Trails” means a type of open space that is a system of public recreational pathways located within unincorporated county for use by the public for walking, biking, and/or horseback riding as designated.

“Vegetation” means living plant material including but not limited to trees, shrubs, flowers, grass, herbs and ground cover.

“Waiver” means permission to depart from the requirements of an ordinance with respect to the application of a specific regulation.

“Zero lot line” means the location of a structure on a lot in such a manner that one or more of the structure’s side facades rest directly on a lot line. (Ord. 1454 § 4 (part), 1999; Ord. 1417 § 2 (part), 1998)